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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,299

09/25/2006

Remi Noirot

FR 040035

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7590

08/21/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

CROWE, DAVID R

ART UNIT

PAPER NUMBER

2885

MAIL DATE

DELIVERY MODE

08/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,299	Applicant(s) NOIROT, REMI	
	Examiner DAVID R. CROWE	Art Unit 2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/30/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

It is noted that the examination is based on the most recent claims filed on 4/8/2008 along with the accepted documents required with a 371 application. The most recent claims appear to be a duplicate of those filed 9/25/2006 and are therefore considered a replacement and not an amendment of any kind.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi et al (US Pat 5,138,540).

Re claim 1: Kobayashi et al discloses means for generating a convergent beam [1] [defined under 112[6] in the specification as “The generating means 101 can be any means adapted for generating a convergent beam.”] having a central axis [“L”], and a lens [8] located substantially around said central axis, the floodlight comprising means for moving said lens [7] with respect to the generating means. [No suggested structure is found in the specification to limit the “means for moving” with respect to 112[6] and therefore any known structure is sufficient to read on the claim.]

Re claims 2 and 3: Kobayashi et al discloses the means for moving [7] are adapted to move said lens [8] in a direction both parallel ["X"] or perpendicular ["Y"] to said central axis [7].

Re claim 5: Kobayashi et al discloses said means for generating a convergent beam [1] comprise a light source [51], a collimating means [53] and a convergent lens [2].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al.

Re claim 4: Kobayashi et al teaches means for generating a first convergent beam [1] [defined under 112[6] in the specification as "The generating means 101 can be any means adapted for generating a convergent beam."] having a first central axis ["L"], and a first lens [8] located substantially around said central axis, the floodlight comprising means for moving said lens [7] with respect to the generating means. [No suggested structure is found in the specification to limit the "means for moving" with respect to 112[6] and therefore any known structure is sufficient to read on the claim.]

Although Kobayashi et al fails to explicitly suggest a second mean around a second axis or a second lens, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include two headlamps as taught by Kobayashi on opposite sides of the front of a vehicle as commonly found in the art, and thereby having a second means for generating a second beam with a second axis and second lens associated therewith in order to fully illuminate the path ahead of a vehicle. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Re claim 6: In view of the modified device of Kobayashi as suggested in claim 4, each of the first and second means for generating light comprises a light source [51], a collimating means [53] and a convergent lens [2].

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Corbasson et al (US 5,584,568) teaches a lighting method and apparatus having a variable illuminated field.

Dedoro (US 6,834,982) teaches a light source [2], collimator [3], condensing lens [4] and movable lens [5].

Kalze et al (US 5,915,829) teaches light generating means [2] with central axis [5] and movable lens [4].

Art Unit: 2885

Kobayashi et al (US 5,068,768) teaches a variable light distribution type automobile lamp.

Lehrer et al (US 6,290,368) teaches a light source [33], collimator [29], condensing lens [34] and movable lens [37].

Weigert (US 4,823,243) teaches a light source [5], collimator [6], condensing lens [4] and lens [3] wherein the lens [3] and light generating means are movable with respect to one another.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID R. CROWE whose telephone number is (571)272-9088. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2885

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DRC
8/14/08

/Jong-Suk (James) Lee/
Supervisory Patent Examiner, Art Unit 2885